

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida has an estimated 20,900 permitted outdoor advertising signs on 13,700 billboard structures. About 5,900 are considered by DOT as lawful, non-conforming signs, meaning they were in compliance with federal, state, and, if applicable, local regulations when they were erected, but are not in compliance with current regulations.

Chapter 479, F.S., governs billboards and other forms of outdoor advertising. Advertising companies and other owners of outdoor signs must be licensed by DOT and obtain permits, regulating height, size and other characteristics of the billboards. The majority of the provisions specify DOT's duties and authority as they relate to permitting, removing, and otherwise regulating billboards along the interstate highway system and the federal-aid primary highway system, which includes state roads.

Because federal dollars are used to build and maintain federal and state roads in Florida, DOT must adhere to federal laws and regulations concerning billboards. The Highway Beautification Act of 1965 (chapter 23 U.S. Code section 131), chapter 23 Code of Federal Regulations section 750, and Federal Highway Administration (FHWA) Policy Guidance relate to the regulation of billboards. Under federal law, regulation, and policy guidance:

- To be able to remain, nonconforming signs must remain substantially the same as they were on the effective date of the state law or regulations that made them nonconforming.
- To be able to remain, nonconforming signs must remain substantially the same as they were on the effective date of the state law or regulations that made them nonconforming.
- Reasonable repair and maintenance of the sign, including a change of advertising message, is allowable.
- Nonconforming signs may continue as long as they are not destroyed, abandoned, or discontinued. States may pass laws for exceptions to be made for nonconforming signs destroyed due to vandalism and other criminal or tortious acts.
- Each state must develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.
- When nonconforming rights are terminated under state law, the sign must be removed as an illegal sign without compensation. However, lawfully erected signs, even if they are now nonconforming, cannot be removed by a state without payment of just compensation.

Proposed Changes

HB 1583 appears to conform Florida Statutes to Federal laws, regulations and policy guidelines concerning nonconforming outdoor advertising signs. Specifically, this bill creates s. 479.095, F.S. to include the following provisions:

- Nonconforming signs may remain if they are not improperly maintained, improperly modified, destroyed, abandoned or discontinued.
- Nonconforming signs may remain if they are not destroyed. A nonconforming sign is destroyed when its vertical supports are physically damaged such that, in order for the structure to be maintained in the same configuration as existed prior to occurrence of the damage, one of the following applies:
 - More than 50 percent of the wooden vertical supports must be replaced or have bracing added; or
 - Metal vertical supports require replacement of at least 25 percent of the length above ground of the broken, bent, or twisted supports.
- Allows for necessary and reasonable repair and maintenance of nonconforming signs. These repairs include the replacement of vertical support not to exceed 50 percent of the existing vertical supports within a 24 month period.
- Modifications to nonconforming signs are allowed as follows:
 - Changes to advertisements;
 - Repair or replacement of sign facing;
 - Modifications to vertical supports to meet wind load requirements;
 - Safety additions for catwalks, or fall protection devices; and
 - Embellishments to the sign facing not to exceed 10 percent of the sign facing area.
- Modifications to nonconforming signs are prohibited as follows:
 - Configuration of the sign;
 - Type of materials in the sign structure;
 - Size and height of the sign facing;
 - Above ground level facing height;
 - Additional variable message capabilities; and
 - Additional lighting.
- HB 1583 defines under certain circumstances when a nonconforming sign destroyed may be restored to its previous condition. If the nonconforming sign is destroyed by vandalism, tortuous act, or by a natural act that results in a declaration of a major catastrophic disaster by the President of the United States or by the Governor of Florida; and if the destruction does not exceed 75 percent of the vertical wooden supports, or 50 percent of the vertical metal supports, it may be restored to the size and configuration, an of the same materials, as it existed immediately prior to the disaster.

C. SECTION DIRECTORY:

Section 1. Creates s. 479.095, F.S. to conform Florida Statutes to Federal laws, regulations and policy guidelines related to nonconforming outdoor advertising signs.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES